

30 June 2022

Fortis L5, 30 36 Bay Street Double Bay, NSW 2028

Attention: Jess Elvish

Dear Jess,

RE: MN1, 34-35 SOUTH STEYNE, MANLY

BCA COMPLIANCE STATEMENT FOR DA SUBMISSION

This statement has been prepared to verify that Blackett Maguire + Goldsmith Pty Ltd have undertaken a review of the architectural documentation that will accompany the Development Application submission to Northern Beaches Council for the proposed commercial development at the subject site against the Building Code of Australia 2019 Amendment 1 (BCA 2019).

1.0 PROPOSED DEVELOPMENT

The proposed development comprises demolition of the existing building and construction of a six-storey building comprising carparking at Basement level 2, commercial at Basement 1, Ground Floor retail and three levels of commercial space over.

2.0 COMPLIANCE STATEMENT OBJECTIVES

The objectives of this statement are to:

- a) Confirm that the DA architectural documentation has been reviewed by an appropriately qualified Building Surveyor and Registered Certifier.
- b) Confirm that the proposed new building works can readily achieve compliance with BCA 2019 Amendment 1 pursuant to section 19 of the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021*.
- c) Accompany the Development Application submission to enable the Consent Authority to be satisfied that subsequent compliance with the fire & life safety and health & amenity requirements of the BCA, will not necessarily give rise to design changes to the building which may necessitate the submission of an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

It should be noted that it is not the intent of this statement to identify all BCA provisions that apply to the subject development. The development will be subject further assessment following receipt of more detailed documentation at Construction Certificate stage.

3.0 REFERENCED DOCUMENTATION

This report has been prepared based on a review of the following documentation:

+ DA architectural plans prepared by Durbach Block Jaggers issued 30 June 2022.



4.0 BUILDING CLASSIFICATION

The building works have been classified as follows:

BCA CLASSIFICATION:	Class 7a Carpark (Basement Level 2) Class 5 Commercial (Basement L1, Levels 1, 2 & 3) Class 6 Food & Beverage (Ground Level) Class 10b Swimming Pool (Level 3)
RISE IN STOREYS:	4
STOREYS CONTAINED:	6
TYPE OF CONSTRUCTION:	Type A Construction
IMPORTANCE LEVEL (STRUCTURAL):	3– Structural engineer to confirm
SPRINKLER PROTECTED THROUGHOUT:	Yes
EFFECTIVE HEIGHT:	10.95m
TOTAL FLOOR AREA:	Approx. 2,800m ²
MAX. FIRE COMPARTMENT SIZE:	Type A - 8,000m ² & 48,000m ³
CLIMATE ZONE:	Zone 5



5.0 BCA ASSESSMENT – KEY ISSUES

The following comprises a summary of the key compliance issues that apply to the development or requires further design resolution prior to issue of the Construction Certificate:

5.1 SECTION B – STRUCTURAL PROVISIONS

Part B1

New building works are to comply with the structural provisions of the BCA 2019 and referenced standards including AS 1170.

The Importance Level provisions of BCA (Section B) are to be acknowledged by the Structural Engineer and addressed to the degree necessary.

Seismic Restraint of parts and components is required in accordance with Section 8 of AS 1170.4 (refer to section 8.1.4 for specific parts and components that are subject to these provisions). Architect, Electrical, Hydraulic, Mechanical and Fire Services Consultant to note and ensure that their respective design documentation complies accordingly.

5.2 SECTION C – FIRE RESISTANCE

Spec C1.1

<u>Fire-Resisting Construction:</u> The building is to comply with the fire rating, construction and combustibility requirements of Section C of the BCA. Particularly, the building is required to achieve the fire resistance requirements for Type A Construction and the requirements of Specification C1.1 as applicable to each classification within the building. In this regard, generally 2hr fire ratings will be required to all loadbearing building elements, floors, external walls along the side allotment boundaries, shafts, etc. having regard to the class 5 and 7a classifications that apply to the development. No FRL is required to the roof on the basis that the building will be sprinkler protected throughout provided that the roof covering is non-combustible.

Details, including fire rating/compartmentation plans, are to be provided at Construction Certificate stage.

C1.9

Non-Combustible Building Elements: External walls in a building of Type A construction are required to comprise non-combustible, or deemed non-combustible elements throughout. This includes:

- Any external wall claddings.
- + Any framing or integral formwork systems. I.e. timber framing, dincel formwork, etc.
- + Any external linings or trims. I.e. external UPVC window linings, timber window blades, etc.
- + Any sarking or insulation contained within the wall assembly.

This is not an exhaustive list, and any element incorporated within any external wall assembly must be identified and provided for review at the Construction Certificate stage.

C1.14

Arising from the requirement for Type A Construction, an ancillary element must not be fixed, installed or attached to the internal parts or external face of an external wall that is required to be non-combustible unless it is one of the following:

- + Gutter/downpipe/other plumbing fixture
- + A flashing.
- + A grate/grille <2m² associated with a building service.
- + An electrical switch/GPO/cover plate, or the like.
- + A light fitting.
- + A required sign.
- + A combustible non-required sign may be permitted if achieving a Group Number of 1 or 2 and not extending beyond one storey or fire compartment.
- A combustible awning, sunshade, canopy, blind, or shading hood may be permitted at ground storey or a storey immediately above ground storey if complying as relevant to fire hazard properties and not affecting a required exit.
- + A part of a security, intercom or announcement system.
- Wiring.
- + A paint, lacquer or a similar finish.
- + A gasket, caulking, sealant, or adhesive associated with the above ancillary elements.

Details of the proposed material for the louvres is also required, in which it must comprise non-combustible construction.



C2.2

<u>General Floor Area and Volume Limitations:</u> The floor area and volume of the fire compartments within the building are within the fire compartment limitations prescribed under BCA Table C2.2. In this regard, it is noted that the building will comprise the following fire compartments:

- + Compartment 1: Basement Level 2
- + Compartment 2: Basement Level 1
- + Compartment 3: Ground Floor Commercial Tenancy
- + Compartment 4: Ground Floor Lobby & Through link, Level 1, Level 2 and Level 3

Notwithstanding the above, additional fire compartmentation may be required under the proposed fire safety engineering strategy.

C2.6

<u>Vertical Separation of Openings in External Walls</u>: Fire rated spandrels are not required to external walls on the basis that the building will be sprinkler protected throughout.

C2.10 & C3.10

<u>Separation of lifts</u>: Proposed lifts are required to be enclosed in fire rated shafts and openings protected by fire rated lift landing doors in accordance with C3.10.

C3.2 & C3.4

<u>Protection of Openings in External Walls:</u> Openings that are less than 3m from the allotment boundary are required to be protected in accordance with BCA Clause C3.4. In this regard, the following openings will require protection in accordance with BCA clause C3.4 and/or a Performance Solution:

- + Levels 1, 2 & 3: Western elevation where situated less than 3m from northern allotment boundary.
- + Level 3: Eastern elevation where situated less than 3m from southern and northern allotment boundaries.
- + Ground Floor: Western elevation driveway opening where situated less than 3m from the northern allotment boundary.
- + Ground Floor: Southern end of Western elevation where situated less than 6m from the far boundary of Rialto Lane.

C3.12, C3.13 & C3.15 <u>Services penetration</u>: Services shafts through floors are to be enclosed in fire rated shafts complying with C3.12 and C3.13.

Services penetrations through fire rated building elements to comply with C3.15 & Spec. C3.15.

5.3 Section D1 & D2 – Provision for Escape and Construction of Exits

D1.2 Number of Exits Required: The Basement levels are required to be served by at least two exits and the upper levels are required to be served by at least a single exit.

D1.3

<u>Fire isolated exits</u>: It is noted that the two exit stairways serving the basement levels are fire isolated in accordance with these provisions.

The exit serving upper commercial levels connects more than three (3) storeys in a sprinkler protected building however is not proposed to be fire isolated. As such, a Performance Solution is required.

D1.4

<u>Exit Travel Distances:</u> Exit travel distances within the building are required to be not more than 20m to a point of choice between alternative exits and 40m to the nearest one from Class 5 & 7a parts.

Exit travel distances do not comply with the DtS provisions in the following locations and will necessitate a Performance Solution:

- Basement Level 2: Maximum 23m to a point of choice to alternative exits in lieu of 20m.
- + Level 1: 30m to a single exit in lieu of 20m (Based on open floor plan. Will exceed 30m with fitout).
- + Level 2: 27m to a single exit in lieu of 20m (Based on open floor plan. May exceed 30m with fitout).

D1.5

<u>Distance Between Alternative Exits:</u> Distances between alternative exits comply with the BCA DtS provisions.

D1.6

Dimensions of Paths of Travel to an Exit: The minimum clear height through all egress paths is required to be no less than 2m, and a minimum of 1m wide (this width dimension is measured clear of any obstructions such as handrails and joinery). In a required exit or path of travel to an exit there is concession for the unobstructed width of a doorway to be reduced to 850mm min in lieu of 1m, and the unobstructed height for an exit doorway can be reduced to 1,980mm min.



The minimum width of paths of travel must be not less than 1m wide generally (this width dimension is measured clear of any obstructions such as handrails and joinery),

Aggregate egress width serving each storey complies with the BCA DtS provisions.

D1.7 Travel via Fire-Isolated Exits: The following DtS non-compliance will require a Performance Solution:

+ Fire stair 2 discharges into a covered area that does not comply with BCA clause D1.7(b) as the covered area is not open for at least 1/3 of the its perimeter.

D1.9 Non-fire isolated stairways: A Performance Solution is required where the exit stairway serving Level 3 does not provide a continuous means of travel by it's own flights and landings from every storey served to a level at which egress to a road or open space is provided

D1.13 The following occupant numbers have been determined in accordance with BCA Table D1.13:

+ Basement Level 2: 10people
+ Basement Level 1: 32 people
+ Ground Floor: 39 people
+ Level 1: 50 people
+ Level 2: 50 people
+ Level 3: 20 People

D2.15 Door Thresholds: A step/stairway must be located no closer to the door threshold than the width of the door leaf. The referenced plans show compliance in this regard.

D2.13 / Stairways, Balustrades, and Handrails: Stairways, balustrades and handrails to achieve the minimum requirements of the BCA.

D2.16 / D2.17

Floor finishes will be required to achieve the correct slip resistance in accordance with AS 4586-2013, and associated

handbooks HB197 and HB198. This will need to be confirmed compliant at Occupation stage and as such, the selection of materials will need to be considered in relation to these requirements.

D2.19 / Doors and Latching: All egress doorways must swing in the direction of egress and must be readily openable without a key from the side that faces a person seeking egress, by a single handed downward or pushing action on a single device which is located between 900mm and 1100mm from the floor.

5.4 PART D3 – ACCESS FOR PEOPLE WITH A DISABILITY

Part D3 Access for People with a Disability: The extent of access required depends on the classification of the building.

Buildings and parts of buildings must be accessible as set out in Table D3.1 unless exempted by Clause D3.4. The building is required to comply with AS1428.1-2009

We understand an Access Consultant has been engaged to confirm compliance in this regard.

5.5 PART E – SERVICES AND EQUIPMENT

E1.3 Fire Hydrants: Fire hydrant coverage is required to be provided throughout the building in accordance with AS2419.1-2005.

A Performance Solution is required to allow for the following:

- + The hydrant and sprinkler booster to not be located adjacent to the principal entry of the building.
- + To allow for the I-Pattern Booster configuration in accordance with AS 2419.1-2017

Details to be provided at Construction Certificate stage together with fire hydrant coverage plans.

E1.4 Fire Hose Reels: Fire hose reel coverage is required to be provided to serve the Basement 2 level in accordance with AS2441-2005.

Details to be provided at Construction Certificate stage together with fire hose reel coverage plans.

E1.5 Sprinklers: We note that the building will be served by a sprinkler system complying with AS 2118.1-2017.



Details to be provided at Construction Certificate stage.

E1.6

Fire Extinguishers: To be provided and designed in accordance with AS 2444-2001.

E2.2a

<u>Smoke Hazard Management:</u> The building is required to be provided with the following smoke hazard management systems as required by E2.2:

- + An Automatic Fire Detection and Alarm System complying with AS 1670.1 2018 and Spec E2.2a Clause 4.
- + A Building Occupant Warning System complying with AS 1670.1 2018 and Spec E2.2a Clause 7.
- + The Basement carparking level provided with a mechanical ventilation system in accordance with AS 1668.2 must comply with clause 5.5 of AS 1668.1 except that—
 - (a) fans with metal blades suitable for operation at normal temperature may be used; and
 - (b) the electrical power and control cabling need not be fire rated.

Part E3

<u>Lifts:</u> The following provisions are required to be provided to the lifts:

- + Warning signage in accordance with E3.3
- + Lift landings in accordance with E3.5
- + Lift provisions complying with E3.6.
- + Lift car fire service drive control switch in accordance with E3.10.

E4.2-E4.8

Emergency Lighting and Exits Signs: Emergency lighting and exit signage to be provided in accordance with E4.2-E4.5 complying with AS 2293.1 - 2018.

5.6 PART F – HEALTH AND AMENITY

F1

<u>Damp and Weatherproofing:</u> Damp and weatherproofing to comply with the prescriptive requirements of clauses F1.1-F1.13.

F2.3

<u>Sanitary Facilities:</u> The following compliance matters have been identified with respect to proposed toilet facilities based on occupant numbers identified above and are to be detailed at Construction Certificate Stage:

- + Basement Level 1: Assume that these facilities only serve the Basement 1 commercial tenancy. Two of the three w.c.'s must be allocated as 1xmale ambulant and 1xfemale ambulant.
- + Ground Floor: The unisex accessible amenity will suffice for base building. Additional facilities to be provided as part of for F&B fitout

Note 1: For Levels 1, 2 & 3 adequate facilities are generally proposed, however allocation of the Wash Closest to female and male facility is required.

Note 2: The accessible toilet facilities have been counted once for each sex in accordance with BCA clause F2.2.

Part F3

 $\underline{\text{Ceiling Heights:}} \text{ The following floor to ceiling heights are applicable to the building:}$

The minimum ceiling heights in a Class 5 / 6 / 7 / 8 building are as follows:

- Generally 2.4m.
- + Corridor, passageways, or the like 2.1m.

In any building:

- + Bathrooms, sanitary compartments, tea preparations rooms, pantries, store rooms or the like 2.1m,
- + A commercial kitchen 2.4m,
- + Above a stairway, ramp, landing or the like 2m.

Part F4

<u>Part F4 – Light and Ventilation:</u> Artificial lighting systems are required to comply with Clause F4.4 and AS 1680. All mechanical or air-conditioning installations must be undertaken in accordance with Clauses F4.5(b) and AS 1668.2.-2012.

F4.8 & F4.9

Restriction on location of sanitary compartments: A sanitary compartment must not open directly into a workplace normally occupied by more than one person-

As such, one of the following is required:

- (i) access must be by an airlock, hallway or other room with a floor area of not less than 1.1m² and fitted with selfclosing doors at all access doorways; OR
- (ii) the sanitary compartment must be provided with mechanical exhaust ventilation and the doorway to the room adequately screened from view.

It is noted that adequate screening has been proposed, further details in relation to the mechanical exhaust are to be provided prior to the issue of Construction Certificate.



5.7 SECTION G - ANCILLARY PROVISIONS

Part G3

Atrium Construction: The proposed void within the circular stair has not been considered an atrium as it is open to the sky. In any case, it only connects three storeys in a sprinkler protected building in which case the atrium provisions do not apply.

Part G6

Occupiable Outdoor Areas: Occupiable Outdoor Areas provisions applies to the proposed roof Terrace at Level 3. As such, this area is required to comply with the fire hazard property, provision for escape, construction of exits, firefighting equipment, lift installations, visibility in an emergency, exit signs and warning systems, and light and ventilation provisions of the BCA (as specifically prescribed under this part) as if it were an internal building part. Details to be provided at Construction Certificate stage, however it is noted that a Performance Solution will be required for extended travel distances (as identified above).

5.8 SECTION H – SPECIAL USE BUILDINGS

Part H1 Class 9b Buildings – Theatres, Stages, and Public Halls: Not applicable to the proposed development.

5.9 SECTION J – ENERGY EFFICIENCY

Sect. J

<u>Energy Efficiency:</u> The building works are subject to compliance with the Energy Efficiency Provisions of BCA 2019 Section J relating to:

- + J1: Building Fabric
- + J3: Building Sealing
- + J5: Air-conditioning and ventilation systems
- + J6: Artificial lighting and power
- + J7: Hot water supply
- + J8: Access for maintenance



6.0 SUMMARY OF REQUIRED PERFORMANCE SOLUTIONS

Based on a review of the referenced documentation, the following comprises a summary of the matters that require Performance Solutions prior to issue of the Construction Certificate.

A. MATTERS REQUIRING FIRE SAFETY ENGINEERED PERFORMANCE SOLUTIONS:

BCA (DtS) Clause Description		Description
1.	C3.2 & C3.4	Openings that are less than 3m from the allotment boundary are required to be protected in accordance with BCA Clause C3.4. In this regard, the following openings will require protection in accordance with BCA clause C3.4 and/or a Performance Solution (extent to TBC):
		+ Levels 1, 2 & 3: Western elevation where situated less than 3m from northern allotment boundary.
		+ Level 3: Eastern elevation where situated less than 3m from southern and northern allotment boundaries.
		 Ground Floor: Western elevation driveway opening where situated less than 3m from the northern allotment boundary.
		 Ground Floor: Southern end of Western elevation where situated less than 6m from the far boundary of Rialto Lane.
		Consultation is required with the Fire Safety Engineer to determine extent of protection required to the above openings.
2.	D1.3/D1.9	 The exit serving upper commercial levels connects more than three (3) storeys in a sprinkler protected building however is not proposed to be fire isolated. The exit stairway serving Level 3 does not provide a continuous means of travel by it's own flights and landings from every storey served to a level at which egress to a road or open space is provided.
3.	D1.4 & G6.4	To allow extended travel distances as follows
		+ Basement Level 2: Maximum 23m to a point of choice to alternative exits in lieu of 20m.
		 Level 1: 30m to a single exit in lieu of 20m (Based on open floor plan. Will exceed 30m with fitout).
		 Level 2: 27m to a single exit in lieu of 20m (Based on open floor plan. May exceed 30m with fitout).
4.	D1.7(b)	Fire stair 2 discharges into a covered area that does not comply with BCA clause D1.7(b) as the covered area is not open for at least 1/3 of the its perimeter.
5.	E1.3 & E1.5	 To allow for the hydrant and sprinkler booster location to be not located adjacent to the principal entry of the building To allow I-Pattern Booster configuration in accordance with AS 2419.1-2017.

The above Performance Solutions will require the preparation of an FEBQ for submission to FRNSW, and also referral of the Fire Engineering Report to FRNSW pursuant to clause 144 of the Environmental Planning & Assessment Regulation 2000 at Construction Certificate stage.



B. OTHER MATTERS REQUIRING PERFORMANCE SOLUTIONS:

BCA (DtS) Clause		Description
1.	FP1.4	A Performance Solution is required for any new external walls to confirm the assembly prevents the penetration of water that could cause unhealthy or dangerous conditions, or loss of amenity for occupants; and undue dampness or deterioration of building elements. Note: Compliance with FP1.4 may be verified using BCA Verification Method FV1.
		Further information can be found at: https://www.abcb.gov.au/Resources/Publications/Education-Training/Weatherproofing

Please note that the above matters have been identified arising from a review of the DA architectural plans. A further detailed assessment of the Construction Certificate architectural plans will be undertaken prior to issue of the Construction Certificate.



7.0 FIRE SAFETY SCHEDULE

The following table is a list of the required fire safety measures within the building. These measures may be subject to further change pending the outcomes of the final Fire Safety Engineering Review to confirm the works are permissible.

Statutory Fire Safety Measure	Design / Installation Standard
Access Panels, Doors & Hoppers	BCA Clause C3.13
Access r ariers, boors & rroppers	AS 1530.4 – 2014 and Manufacturer's Specifications
Alarm Signalling Equipment	AS 1670.3 – 2018
Automatic Fail Safe Devices	BCA Clause D2.21
Automatic Fire Detection & Alarm System	BCA Spec. E2.2a & AS 1670.1 – 2018
Automatic Fire Suppression Systems	BCA Spec. E1.5, BCA Spec E1.5a & AS 2118.1 – 2017
Building Occupant Warning System activated by the Sprinkler System	BCA Spec. E1.5 Clause 8 and Clause 3.22 of AS 1670.1 – 2018
Emergency Lighting	BCA Clause E4.2 & E4.4 AS 2293.1 – 2018
Emergency Evacuation Plan	AS 3745 - 2010
Exit Signs	BCA Clauses E4.5, NSW E4.6 & E4.8 AS 2293.1 – 2018
Fire Dampers	BCA Clause C3.15 AS 1668.1 – 2015 & AS 1682.1 & 2 – 2015 and Manufacturer's Specification
Fire Doors	BCA Clause C2.12, C2.13, C3.2, C3.4, C3.8 & C3.11 AS 1905.1 – 2015 and Manufacturer's Specification
Fire Hose Reels	BCA Clause E1.4
Basement Level 2	AS 2441 – 2005
Fire Hydrant Systems	BCA Clause E1.3 & AS 2419.1 – 2005
Fire Seals	BCA Clause C3.15, AS 1530.4 – 2014 & AS 4072.1 – 2014 and Manufacturer's Specification
Lightweight Construction	BCA Clause C1.8 AS 1530.4 – 2014 and Manufacturer's Specification
Mechanical Air Handling Systems	BCA Clause E2.2 AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012
Paths of Travel	EP&A Regulation Clause 186
Portable Fire Extinguishers	BCA Clause E1.6 AS 2444 – 2001
Required Exit Doors (Power Operated)	BCA Clause D2.19(b)
Wall-Wetting Sprinklers	BCA Clause C3.4 AS 2118.2 – 2010
Warning & Operational Signs	BCA Clause C3.6, D2.23, D3.6, E3.3 & H101.8 AS 1905.1 – 2015 & Section 183 of the EP&A Regulation 2000
Fire Engineered Performance Solutions	BCA Performance Requirements (TBA) Fire Safety Engineering Report (TBA)



8.0 CONCLUSION

This report contains an assessment of the referenced architectural documentation for the proposed development located at 34-35 South Steyne Manly against the Deemed-to-Satisfy provisions and Performance Requirements of the National Construction Code Series (Volume 1) Building Code of Australia 2019 Amendment 1.

In view of the above assessment we can confirm that subject to the above measures being appropriately addressed by the project design team, compliance with the provisions of the BCA is readily achievable.

In addition, it is considered that such matters can adequately be addressed in the preparation of the Construction Certificate documentation without giving rise to any inconsistencies with the Development Approval.

If you have any questions or require further information, please do not hesitate to contact me on 02 9211 7777.

Prepared by:

Georgia Griffin

Assistant Building Surveyor

Reviewed by:

Director